

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

JOAN ANZIANI,)	Civil Action No.: 1:18-cv-00855
Plaintiff,)	
)	
vs.)	
)	
WENTWORTH BY THE SEA,)	
LLC)	
Defendant.)	
)	

**PLAINTIFF'S ASSENTED TO MOTION FOR LEAVE TO FILE FIRST AMENDED
COMPLAINT CORRECTING NAMED PARTY DEFENDANT**

Now comes the plaintiff and moves pursuant to Rule 15 of the Federal Rules of Civil Procedure that this honorable Court grant leave for plaintiff to file a First Amended Complaint correcting the corporate entity named as the defendant in this action. As grounds therefore, the plaintiff states that through discovery and discussions with defense counsel, plaintiff learned that the corporate entity that was responsible for the control of the premises involved the incident that is the subject of plaintiff's complaint is GHM Wentworth, LLC, rather than the incorrectly named Wentworth by the Sea, LLC. As such, GHM Wentworth, LLC is the proper party defendant in this case. Defense counsel has indicated that the defendant assents to an amendment of the complaint that dismisses claims against Wentworth by the Sea, LLC and asserts the same claims against the correct party defendant, GHM Wentworth, LLC.

In further support of this motion, the plaintiff states that the statute of limitations has not run on their claim. No party will be prejudiced by the allowance of this motion because the First Amended Complaint will contain the same factual allegations and claims that are contained within the original Complaint, but will simply substitute the correct named party defendant. Furthermore, no party will be prejudiced by the allowance of this motion because defendant assents to its

allowance. Because this motion is a matter within the sound discretion of the court, no memorandum is necessary. Plaintiff's First Amended Complaint is attached to this motion as Exhibit 1.

The Plaintiffs,
By Their Attorneys,

/s/ David W. Faraci

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Assented to by the Defendant,
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Dated: September 20, 2019

CERTIFICATE OF SERVICE

I, hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing and paper copies will be sent via U.S. first class mail to those indicated as non-registered participants on the 20th day of September, 2019.

/s/ David W. Faraci
David W. Faraci